

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SYLVESTER ASBERRY,

Plaintiff,

CIVIL ACTION NO. 05-CV-70915-DT

vs.

DISTRICT JUDGE PAUL D. BORMAN

DARYN ROBBINS, ET AL.,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.  
\_\_\_\_\_ /

**ORDER GRANTING PLAINTIFF'S MOTION FOR  
LEAVE TO FILE FIRST AMENDED COMPLAINT**

Before the Court is Plaintiff's Motion for Leave to File First Amended Complaint, filed June 14, 2006. On June 27, 2006 the Court issued an order requiring Defendants' Response to be filed on or before July 6, 2006. Defendants have not responded, and Plaintiff's Motion is therefore unopposed.

Federal Rule of Civil Procedure 15(a) provides that:

A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served . . . . Otherwise a party may amend the party's pleading only by leave of the court or by written consent of the adverse party; and leave shall be freely given when justice so requires.

Plaintiff's Motion is **GRANTED**. The Clerk's Office is directed to accept Plaintiff's Complaint for filing.

**IT IS SO ORDERED.**

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: August 07, 2006

s/ Mona K. Majzoub  
MONA K. MAJZOUB  
UNITED STATES MAGISTRATE JUDGE

**Proof of Service**

I hereby certify that a copy of this Report and Recommendation was served upon Counsel of Record on this date.

Dated: August 07, 2006

s/ Lisa C. Bartlett  
Courtroom Deputy